

**REMARKS/ARGUMENTS**

Claims 1-3, 5-13 and 15-20 are pending in the present application. In the Office Action, claims 1-3, 5-13 and 15-20 were rejected and claims 4 and 14 were previously withdrawn. In response to the Office Action, claims 1 and 11 have been amended. No new matter has been added. Reexamination and reconsideration of the pending claims is respectfully requested.

**Claim Rejections - 35 U.S.C. § 112**

Claims 1-20 were rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement. The Office Action indicated that in claims 1 and 11, support for the recitation "wherein the outer surface of the shuttle is free of surface features that prohibit positioning of a stent segment along the outer surface, and wherein the outer surface of the shuttle is adapted to allow a pair of adjacent stents to be positioned into direction [sic] engagement with one another" is not found in the original specification and constitutes new matter (Office Action, page 3). Applicants respectfully traverse the rejection in part and overcome the rejection in part for at least the following reasons.

The subject matter of the claim need not be described literally (i.e., using the same terms or *in haec verba*) in order for the disclosure to satisfy the description requirement. M.P.E.P. § 2163.02. To satisfy the written description requirement, an applicant must convey with reasonable clarity to those skilled in the art that, as of the filing date sought, he or she was in possession of the invention as now claimed. An applicant shows possession of the claimed invention by describing the claimed invention with all of its limitations using such descriptive means as words, structures, figures, diagrams, and formulas that fully set forth the claimed invention. M.P.E.P. § 2163.02.

The application as filed discloses in numerous places (e.g. paragraphs 0009, 0013, 0015, 0025, 0031, 0041, 0042, 0043, and Figs. 4-5) embodiments of stent delivery devices where the stent segments may be advanced along a shuttle with or without a stent pushing device. Moreover, in some embodiments, an abutment is provided near the distal end of the shuttle for

preventing the stent segments from being advanced beyond the distal end of the shuttle (e.g. paragraph 0032). Additionally, the stent segments may be positioned end-to-end in line over the shuttle and they may be in direct contact with one another (e.g. paragraph 0032). Thus it is clear to one of ordinary skill in the art that the outer surface of the shuttle is free of surface features that prohibit positioning of a stent segment along the outer surface, and wherein the outer surface of the shuttle is adapted to allow a pair of adjacent stents to be positioned into direct engagement with one another, as recited by claims 1 and 11.

Nevertheless, in order to expedite prosecution of the present application, claims 1 and 11 have been amended as discussed below, obviating the rejection. Applicants respectfully request withdrawal of the § 112 rejection and allowance of claims 1 and 11 along with the claims depending therefrom.

Claim Rejections - 35 U.S.C. § 103

Chermoni in view of Keith

Claims 1-2, 5-12, 15-18 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chermoni (U.S. Publication No. 2002/0156496) in view of Keith et al. (U.S. Patent No. 6,070,589). Such rejections are overcome for at least the following reasons.

Independent claim 1 has been amended to recite in part a plurality of stent segments having a radially collapsed configuration and a radially expanded configuration, the stent segments disposed along the shuttle and advanceable therealong such that adjacent stent segments may be advanced along the shuttle into direct engagement with one another in the collapsed configuration. Support for this amendment may be found *inter alia* in paragraphs 0009, 0013, 0015, 0025, 0031, 0032, 0033, 0041, 0042 and 0043 of the specification and Figs. 4-5, therefore no new matter has been added. Neither Chermoni or Keith teach or suggest this feature.

Chermoni discloses a catheter configured to carry one or more stents and having an inflatable balloon for expanding a stent surrounding the balloon (Abstract). Stents are separated from one another by a separating ring (page 2, paragraph 0033) or stents are mounted

in an annular depression separated from one another by a barrier (page 3, paragraph 0039). Because a separating ring or a barrier separates each stent in Chermoni, the stents cannot be advanced into direct engagement with one another in the collapsed configuration, as recited by amended claim 1. Keith fails to provide the missing elements from Chermoni.

Keith discloses a graftstent (Abstract) having an aortic stent and a caudal stent (see e.g. Fig. 27). The stents are on opposite ends of the graftstent with one end upstream of an aneurysm and the opposite end downstream of the aneurysm. Because the stents are coupled with the graft material and because they are on opposite ends of the aneurysm, the two stents cannot be advanced into direct engagement with one another in the collapsed configuration, as recited by claim 1. Moreover, advancing the two stents into engagement with one another would render the device inoperative for its intended purpose because the graftstent would not be properly anchored relative to the aneurysm.

Because neither Chermoni nor Keith teach or suggest each and every element of the claimed invention, *prima facie* obviousness cannot be established under 35 U.S.C. § 103(a). Applicants respectfully request withdrawal of the § 103(a) rejection and allowance of claim 1 and the claims depending therefrom.

Claim 11 has similarly been amended as claim 1 and therefore, for at least the same reasons discussed above with respect to claim 1, Applicants respectfully request withdrawal of the 35 U.S.C. § 103(a) rejection of claim 11 and allowance thereof, along with the claims dependent thereon.

Chermoni in view of Keith and further in view of Shaknovich

Claims 3 and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chermoni in view of Keith and further in view of Shaknovich (U.S. Patent No. 6,070,589). Such rejections are overcome for at least the following reasons.

Claim 3 depends from independent base claim 1, which has previously been distinguished from Chermoni and Keith as discussed above. Shaknovich fails to provide the elements missing from Chermoni and Keith.

Shaknovich discloses a stent delivery system including a tubular stent delivery catheter comprising an expandable deployment segment, onto which a stent can be mounted in a contracted configuration (Abstract). Stents are crimped onto the expandable deployment segment and therefore the stents are not advanceable therealong such that adjacent stent segments may be advanced along the shuttle into direct engagement with one another in the collapsed configuration, as recited by claim 1. Moreover, even assuming *arguendo* that the stents could be advanced, the stents could not be advanced into direct engagement with one another because at least a portion of the stent(s) would be disposed over a non-expandable deployment segment and thus the device would be inoperative for its intended purpose.

Neither Chermoni, Keith, nor Shaknovich, alone or in combination, teach or suggest each and every element of the claimed invention, therefore *prima facie* obviousness cannot be established under 35 U.S.C. § 103(a). Applicants respectfully request withdrawal of the § 103(a) rejection of claim 3 and allowance thereof.

Claim 13 depends from independent claim 11 which has similarly been amended as claim 1, therefore for at least the same reasons as discussed above, Applicants respectfully request withdrawal of the § 103(a) rejection of claim 13 and allowance thereof.

Chermoni in view of Keith and further in view of Martinez

Claim 19 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Chermoni in view of Keith and further in view of Martinez (U.S. Patent No. 5,593,412). Such rejection is overcome for at least the following reasons.

Claim 19 depends from independent base claim 11 which has already been distinguished from Chermoni and Keith as discussed above. Martinez fails to provide the elements missing from Chermoni and Keith.

Martinez discloses a stent delivery apparatus that uses an elongate sheath having a rounded or tapered distal end portion which has a central opening (Abstract). Because Martinez only discloses a single stent (see e.g. Figs. 1 and 3-5), Martinez also fails to teach or suggest a plurality of stent segments slidably disposed along the shuttle such that adjacent stent segments

may be advanced along the shuttle into direct engagement with one another in the collapsed configuration, as recited by independent claim 11.

Because none of the cited references, alone or in combination, teach or suggest each and every element of the claimed invention, *prima facie* obviousness cannot be established under 35 U.S.C. § 103(a). Applicants respectfully request withdrawal of the § 103(a) rejection and allowance of claim 19.

Chermoni in view of Keith and further in view of Palermo

Claim 19 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Chermoni in view of Keith and further in view of Palermo. Such rejections are overcome for at least the following reasons.

Claim 19 depends from independent base claim 11 which has already been distinguished from Chermoni and Keith as discussed above. Palermo fails to provide the elements missing from Chermoni and Keith.

Palermo discloses a device for delivering embolic coils to a selected site in the vasculature of the human body (Abstract). Palermo fails to teach or suggest a stent and therefore the cited reference fails to disclose a plurality of stent segments slidably disposed along the shuttle such that adjacent stent segments may be advanced along the shuttle into direct engagement with one another in the collapsed configuration.

Because none of the cited reference alone or in combination teach or suggest each and every element of the claimed invention, *prima facie* obviousness cannot be established under 35 U.S.C. § 103(a). Applicants respectfully request withdrawal of the § 103(a) rejection of claim 19 and allowance thereof.

Shaknovich in view of Keith

Claims 1-3, 5-9, 11-13, 15-17 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Shaknovich in view of Keith. Such rejections are overcome for at least the following reasons.

As discussed above, independent claim 1 has been amended to recite in part a plurality of stent segments disposed along the shuttle and advanceable therealong such that adjacent stent segments may be advanced along the shuttle into direct engagement with one another in the collapsed configuration. Claim 1 as amended has already been distinguished from Shakhovich and Keith, and this has been discussed above.

Independent claim 11 has similarly been amended as claim 1, therefore claim 11 has also been distinguished from Shakhovich and Keith for at least the same reasons as discussed above with respect to claim 1.

Because neither Shakhovich nor Keith, alone or in combination teach or suggest each and every element of the claimed invention, *prima facie* obviousness cannot be established under 35 U.S.C. § 103(a). Applicants respectfully request withdrawal of the § 103(a) rejection of claims 1 and 11 and allowance thereof along with the claims depending therefrom.

Shakhovich in view of Keith and further in view of Chermoni

Claims 10 and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Shakhovich in view of Keith and further in view of Chermoni. Such rejections are overcome for at least the following reasons.

Claims 10 and 18 depend from independent claims 1 and 11, respectively, both of which have already been distinguished from Shakhovich, Keith and Chermoni as discussed above. Therefore, for at least the same reasons as previously discussed, Applicants respectfully request withdrawal of the 35 U.S.C. § 103(a) rejection and allowance of claims 10 and 18.

Shakhovich in view of Keith and further in view of Palermo

Claim 19 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Shakhovich in view of Keith and further in view of Palermo. Such rejection is overcome for at least the following reasons.

Claim 19 depends from independent claim 11 which has already been distinguished from Shakhovich, Keith and Palermo as discussed above. Therefore, for at least

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the same reasons previously discussed, Applicants respectfully request withdrawal of the 35 U.S.C. § 103(a) rejection and allowance of claim 19.

**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,



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